



FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

NOV 22 2013

ROBERT "BOBBY" D. JOYNER,

Plaintiff,

vs.

ARCH INSURANCE CO., a foreign  
insurance company,

Defendant.

CJ -2013-6460

Case No.

TIM RHODES  
COURT CLERK

PETITION

**COME NOW** the Plaintiff, Robert "Bobby" D. Joyner and for his causes of action against the Defendant, Arch Insurance Co., a foreign insurance company, alleges and states as follows:

1. That the Plaintiff, Robert "Bobby" D. Joyner, resides within Oklahoma County, State of Oklahoma.
2. That the Defendant, Arch Insurance Co., foreign insurance company which does business within Oklahoma County, State of Oklahoma. This Court has proper jurisdiction.
3. That on or about the 25<sup>th</sup> day of July, 2012, Plaintiff, Robert "Bobby" D. Joyner, was northbound on S. Sooner Road, approaching 1-240 Service Road, in Oklahoma City, and was rear-ended by Kelsey Ward. Ward was an underinsured motorist.
4. Defendant, Arch Insurance Co., is/was the UM/UIM insurance carrier of the vehicle Plaintiff was driving, and had in effect a policy of insurance that affords coverage to the Plaintiff. This policy is identified as Policy number BAPKG0016200.

5. Plaintiff asserts that Arch Insurance Co., has, failed to act in good faith with its insured (thereby acting in bad faith), violated Oklahoma statutes with regard to claim handling, and negligently handled this claim. Plaintiff believe that Defendant has not acted fairly and in good faith by failing to reasonably and/or fairly and/or promptly evaluate Plaintiff's injury claim, and by failing and/or refusing to resolve said claim.
6. That Defendant, Arch Insurance Co., by and through their representatives in question have breached the insurance contract in question. The breaches of the contract include, but are not limited to, the following:
  - a. Failing to pay benefits properly due;
  - b. Failing to properly investigate this claim;
  - c. Failing to timely investigate this claim;
  - d. Violating Oklahoma law in the handling of this claim;
  - e. Failing to review documents properly submitted;
  - f. Failing to handle this claim in good faith as required by law;
  - g. Violating Oklahoma statutes with regard to the handling of this claim and specifically violating the Fair Claims Practices Act.
7. Plaintiff has been damaged by the wrongful acts of the Defendant.
8. Further, as the result of Defendant's acts which were in reckless disregard of the rights of the Plaintiff, Plaintiff is entitled to punitive damages.
9. The Defendant, Arch Insurance Co., failed to act in good faith in handling this claim and has thereby acted in bad faith. As a result thereof, Plaintiff is entitled to actual and punitive damages.

10. That as a result of the collision described the Plaintiff, Robert "Bobby" D. Joyner, suffered personal injuries causing the Plaintiff to seek medical treatment. Plaintiff has experienced physical pain and mental anguish and will, in all reasonable probability, continue to do so in the future by reason of the nature of Plaintiff's injuries. Plaintiff has been caused to incur medical charges, loss of earnings and expenses in the past and will continue to incur medical expenses and loss of earnings in the future for said injuries. All of these damages are in excess of the available liability limits of the at-fault driver, and therefore, Plaintiff believes he is entitled to underinsured motorist coverage under the subject policy.
11. By reason of the above and foregoing, the Plaintiff, Robert "Bobby" D. Joyner, has been damaged in the sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00) for said injuries.

**WHEREFORE**, the Plaintiff, Robert "Bobby" D. Joyner, prays for judgment against the Defendant, Arch Insurance Co., and for a total sum in excess of Ten Thousand Dollars, (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

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ATTORNEYS FOR PLAINTIFF

**JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED**